

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

**BEAR CREEK TECHNOLOGIES, INC. §
Plaintiff §**

V. §

No. 5:07CV71

**j2 GLOBAL COMMUNICATIONS, INC. §
Defendant §**

ORDER FROM SCHEDULING CONFERENCE

The Court issues the following Order from the September 27, 2007 Scheduling Conference.

The Court's Scheduling Order is filed in conjunction herewith.

I. Discovery and Case Management Plan

A. Discovery Limitations

The parties agreed to certain discovery limitations. The limitations are contained in the Court's Scheduling Order filed in conjunction herewith. The parties shall continue to confer regarding Plaintiff's request for discovery relating to claim construction, including the deposition of a 30(b)(6) witness from Defendant, production of documents, and the deposition of any expert witnesses designated by Defendant.

B. Duty to Supplement

After disclosure is made pursuant to the Court's Scheduling Order, each party is under a duty to supplement or correct its disclosures immediately if the party obtains information on the basis of which it knows the information disclosed was either incomplete or incorrect when made, or is no longer complete or true.

C. Privileged Information

There is no duty to disclose privileged documents or information. Once the parties have exchanged privilege logs, any party may move the Court for an order compelling the production of any documents or information identified on any other party's privilege log. If the parties have no disputes concerning the privileged documents or information, then the parties shall inform the Court of that fact.

II. Protective Order

The parties have agreed upon a Protective Order, and they anticipate submitting an agreed order in the near future. If the parties cannot agree on a proposal, the parties are directed to file an appropriate motion for entry of a protective order.

III. Claim Construction

A. Technical Advisor

Within thirty days from the date of entry of this Order, the parties shall submit to the Court by facsimile (903-792-0367) a list of potential technical advisors. The Court will determine at a later date whether or not a technical advisor will be helpful to the Court.

B. Claim Construction Hearing

A claim construction hearing is scheduled before the undersigned at 9:00 a.m. on April 28, 2008 at the United States District Court, 500 N. Stateline, Fourth Floor Courtroom, Texarkana Texas. At the hearing, the plaintiff is limited to 2.5 hours and the defendant is limited to 2.5 hours.

IV. Other General Rules

A. No Excuses

A party is not excused from the requirements of this Order or the Court's Scheduling Order

because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures. Absent Court order to the contrary, a party is not excused from disclosure because there are pending motions to dismiss, to remand, or to change venue.

B. Local Rule CV-7(d)

The parties are directed to Local Rule CV-7(d) which provides, in part, that "[i]n the event a party fails to oppose a motion in the manner prescribed herein, the court will assume that the party has no opposition." Local Rule CV-7(e) provides that a party opposing a motion has **15 days** in which to serve and file supporting documents and briefs, after which the Court will consider the submitted motion for decision.

IT IS SO ORDERED.

SIGNED this 9th day of October, 2007.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE